

N.22Sl

151/CL
26.02.26
Sl-964
Ct.551
(S.R.)

WPA 18352 of 2025

Sri Swarup Sarkar
v.
The State of West & Ors.

Mr. Subhendu Bandopadhyay
Ms. Dipanwita Ganguly ... for the petitioner.

Mr. Sounak Bhattacharya
Mr. Aswini Kumar Bera ... for the State.

Mr. Suman Basu
Mr. Subhajit Das
... for the Hooghly Zilla Parishad.

Mr. Sandip Kumar De
Mr. Abhik Chitta Kundu
... for the respondent no.11.

1. This writ petition has been filed alleging inaction on the part of the respondent State authorities in taking steps to remove alleged unauthorized occupation/encroachment of government land.
2. In course of hearing “a statement of facts” prepared by the Executive Engineer on August 19, 2025 was submitted in Court by the learned advocate appearing for the State respondents. The same states thus: “the above road jurisdiction is looked after by the Executive Engineer & PIU, WBSRDA, Hooghly Division, Hooghly Zilla Parishad as their original jurisdiction and there is no connection with this office regarding the issue”.
3. Thus according to the Executive Engineer, Hooghly Highway Division No-II, the land in question is

apparently not owned by the said Division.

4. Today, two reports in the form of affidavits have been filed respectively by the Sabhadhipati, Hooghly Zilla Parishad and Executive Engineer, WBSRDA, Hooghly Zilla Parishad, which reveal that the Hooghly Zilla Parishad also has no jurisdiction in respect of the land whereof encroachment has been alleged.
5. In such view of the matter, this Court is unable to come to a conclusion that there has been any unauthorized encroachment of government land as alleged by the petitioner so as to pass any mandatory direction.
6. There appears to be some sort of doubt as regards the authority, who exercises jurisdiction over the property in question. In case, the property in question is not owned by any of the wings of the government, the case in hand would be one of a private dispute for which the petitioner's remedy would lie before the appropriate Civil Court. In case, the situation is otherwise, the same would be required to be dealt with, in accordance with law, by the authorities either under the West Bengal Public Land Eviction of Unauthorized Occupants Act, 1962 or any other applicable statute. In any case such an issue cannot be decided by this Court on affidavit evidence and as already stated

hereinabove, in view of the reports filed before Court no mandatory order can be passed on this writ petition.

7. However, it is clarified that the respondent no.8 i.e. the Sub-divisional Officer, Sadar Hooghly shall remain free to undertake relevant enquiry, in accordance with law and take appropriate steps for removal of encroachment on government land, if any, after affording opportunity of hearing to all concerned including the petitioner and the private respondent, strictly in accordance with law.
8. WPA 18352 of 2025 stands disposed of with the above observations. No costs.
9. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)